

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Application of)	
)	
REDLANDS MUNICIPAL AIRPORT)	FCC File No. 0001960299
)	
To Modify License for Aeronautical Advisory)	
Station WPQ3, Redlands, California)	

ORDER ON RECONSIDERATION

Adopted: September 20, 2005

Released: September 22, 2005

By the Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. *Introduction.* On April 20, 2005, Big Bear Airport District (Big Bear) submitted a petition for denial (Petition)¹ of a grant of the above-captioned application filed by Redlands Aviation (Redlands) for an aeronautical advisory (unicom)² station licensed at Redlands Municipal Airport in Redlands, California. We treat the Big Bear letter as a petition for reconsideration, and dismiss it for the reasons set forth below.

2. *Background.* Since at least 1998, Big Bear has been licensed to operate Aeronautical Advisory Station WBO4, Big Bear City, California, on frequency 123.05 MHz at Big Bear City Airport. On December 3, 2004, Redlands Municipal Airport (Redlands) filed an application to modify its license for Aeronautical Advisory Station WPQ3, Redlands, California, to change the operating frequency at Redlands Municipal Airport from 122.7 MHz to 123.05 MHz. Public notice of the filing was provided on December 8, 2004.³ The Redlands application was granted January 11, 2005. Public notice of the grant was provided on January 19, 2005.⁴

3. In its Petition, Big Bear argues that Redlands should be assigned a unicom frequency other than 123.05 MHz in order to avoid interference to the Big Bear City Airport unicom. Big Bear states that the added congestion on frequency 123.05 from the Redlands unicom endangers the safety of flight because most aircraft flying into Big Bear Airport will fly over or near Redlands Airport and will attempt to contact Big Bear Airport when the aircraft are near Redlands Airport.⁵ Big Bear states that aircraft

¹ Letter dated Apr. 20, 2005 from Jake A. Godown, Big Bear Airport District, to Federal Communications Commission, Office of the Secretary (Petition).

² Unicom stations are used to provide safety-related and other information to aircraft, primarily general aviation aircraft. Unicom transmissions are limited to the necessities of safe and expeditious operation of aircraft, including runway conditions, types of fuel available, wind conditions, weather information, dispatching, and other necessary safety information. However, unicom stations may also transmit, on a secondary basis, information pertaining to the efficient portal-to-portal transit of an aircraft, such as information concerning available ground transportation, food, and lodging. See 47 C.F.R. § 87.213.

³ See Wireless Telecommunications Bureau Site-by-Site Accepted for Filing, *Public Notice*, Report No. 2007 at 2 (rel. Dec. 8, 2005).

⁴ See Wireless Telecommunications Bureau Site-By-Site Action, *Public Notice*, Report No. 2045 at 2 (rel. Jan. 19, 2005).

⁵ See Petition at 1.

approaching Big Bear Airport are unable to communicate with the Big Bear Airport unicom because of the Redlands unicom, and can receive confusing information.⁶

4. *Discussion.* Although Big Bear does not call its letter a petition for reconsideration, we will treat its letter as a petition for reconsideration because it clearly seeks review of the action granting Redlands application.⁷ Section 405(a) of the Act, as implemented by Section 1.106(f) of the Commission's Rules, requires that a petition for reconsideration be filed within thirty days from the release date of the Commission's action.⁸ Computation of the thirty-day period is determined in accordance with Section 1.4 of the Commission's Rules.⁹ Since the *Public Notice* of the grant of Redlands's modification application was released on January 19, 2005, the last day for filing a petition for reconsideration was Friday, February 18, 2005.

5. Big Bear did not file its Petition until April 20, 2005. Therefore, we find that the Petition was filed late. The Commission has consistently held that it is without authority to extend or waive the statutory thirty-day filing period for filing petitions for reconsideration specified in Section 405(a) of the Communications Act.¹⁰ The filing requirement of Section 405(a) of the Act applies even if the petition for reconsideration is filed only one day late.¹¹ Consequently, we conclude that the Petition must be dismissed as untimely filed.¹²

6. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by Big Bear Airport District on April 20, 2005, IS DISMISSED.

⁶ *Id.* at 1-2.

⁷ See, e.g., Jack Gerritsen, *Memorandum Opinion and Order*, 20 FCC Rcd 4273, 4273 n.3 (EB 2005); Spokane School District #81, *Order on Reconsideration*, 19 FCC Rcd 9480, 9480 ¶ 3 (WTB PSCID 2004).

⁸ 47 U.S.C. § 405(a); 47 C.F.R. § 1.106(f).

⁹ 47 C.F.R. § 1.4.

¹⁰ See *Reuters Ltd. v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986); see also Petition for Amendment of the Commission's Rules to Establish First and Second Class Radiotelephone Operator Licenses, *Order*, 10 FCC Rcd 3196 (1995).

¹¹ See, e.g., Panola Broadcasting Co., *Memorandum Opinion and Order*, 68 FCC 2d 533 (1978); Metromedia, Inc., *Memorandum Opinion and Order*, 56 FCC 2d 909, 909-10 (1975); Agreement Between the Federal Communications Commission and Elkins Institute, Inc., *Order on Reconsideration*, 14 FCC Rcd 5080, 5081 ¶ 3 (WTB 1999).

¹² Even if we considered the merits, we would deny the Petition. Licensees operate unicom frequencies on a shared basis. The Commission's Rules do not provide a unicom licensee with a protected service area and do not specify minimum co-channel separation distances between unicom stations. See *Pepperell Airport, Order*, 19 FCC Rcd 9939, 9940 ¶ 6 (WTB PSCID 2004) (citing *Skypark Airport Association, L.L.C., Order on Reconsideration*, 18 FCC Rcd 16306, 16307 n.16 (WTB PSPWD 2003)). Rather, the Commission takes into account the unicom frequency requested by the applicant. 47 C.F.R. § 87.217(a); see Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No. 01-289, 18 FCC Rcd 21432, 21460 ¶ 57 (2003). Therefore, Big Bear is not entitled to interference protection from the subsequently licensed co-channel unicom station at Redlands Airport.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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